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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,969	03/12/2004	Fred B. Simpson	99-0017.14	9024
21491	7590	12/19/2005	EXAMINER	
LANIER FORD SHAVER & PAYNE P O BOX 2087 HUNTSVILLE, AL 35804			BAXTER, GWENDOLYN WRENN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,969	Applicant(s) SIMPSON, FRED B.	
	Examiner Gwendolyn Baxter	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-21 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/29/04</u> . | 6) <input type="checkbox"/> Other: ____ |

This is the first Office action for serial application number 10/799,969, Ornament Base, filed March 12, 2004.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on July 29, 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the torsional spring must be shown or the feature canceled from the claims 4, 11, 16 and 18. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

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of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. *The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.* The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 9-13 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship of the platform relative to the attachment means.

At line 3 of claim 1, applicant claims at least one attachment means. This implies that there maybe more than one attachment means, however there must be at least one. Therefore the language in claims 2 and 3 should be modified to reflect a singular attachment means and not a plurality of attachment means. In claim 2, line 1, "attachment means are" should read –attachment means is-; claim 3, lines 1, 2, 4, and 5, "each of said at least one attachment means have" should read –said at least one attachment means has- and "each of said at least one attachment means comprise" should read –said at least one attachment means comprises-. Similar problems occurs in claims 9, 10, 11 and 16.

In claim 16, line 5, "an object" should read –said object-, since antecedence is found at line 1 of this claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. D450,620 to Simpson. The present invention reads on Simpson as follows: Simpson teaches an apparatus for supporting and displaying an object. The apparatus comprises a platform, and at least one attachment means. The platform is adapted for supporting the object; and the at least one attachment means is for interacting with a generally horizontal projection upon which the object is displayed. The attachment means is removeably attached to a bottom surface of the platform. The at least one attachment means has a first end and a second end. The first end of the at least one attachment means comprises opposite, opposing jaw members biased towards one another. The second end of the at least one attachment means comprise legs that when forced together separate the opposite, opposing jaw members. The jaw members of the at least one attachment means is connected by a pivot pin and is biased towards one another by a torsional spring. The jaw members contain penetrating or frictional means to prevent the platform from rotating about the generally horizontal projection. The penetrating means are teeth. The at least one attachment means is an alligator clip. See figures below.

Since the method is predicated upon the structural recitations, the method is inherent.

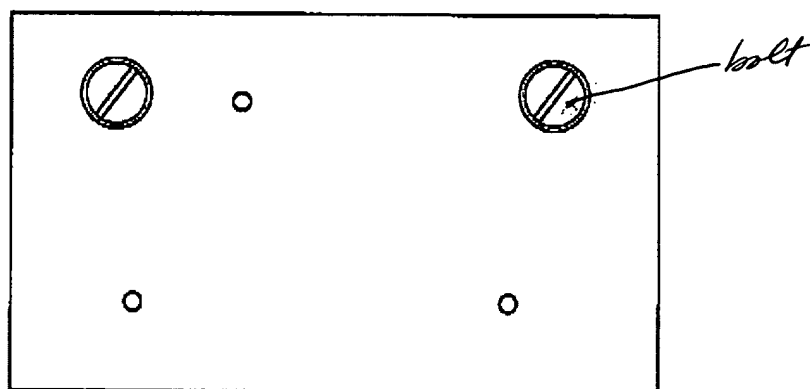
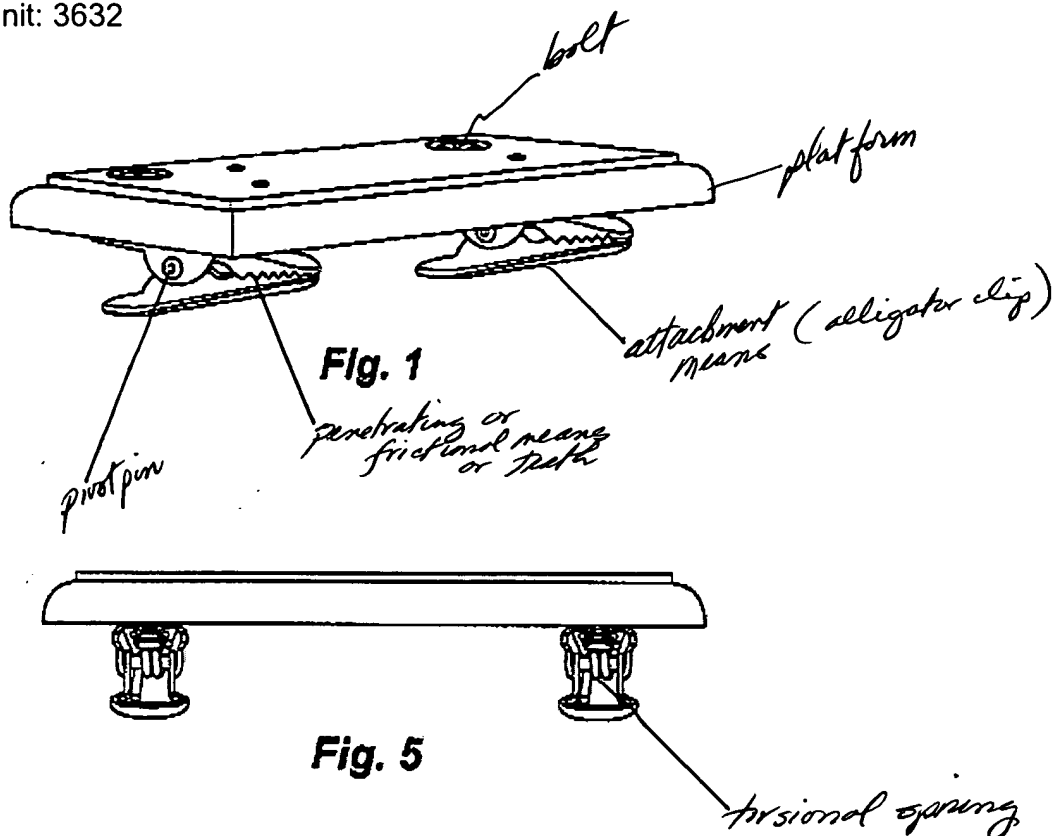


Fig. 6

Claims 8-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,538,751 to Peterson. The present invention reads on Peterson as follows: Simpson teaches an apparatus for supporting and displaying an object. The

apparatus comprises a platform (14), at least one attachment means (40, 42, 44) and a base (12). The platform has a top surface and a bottom surface. The top surface is adapted for supporting the object (48). The at least one attachment is removably affixed to the bottom surface of the platform. The base has a top surface (near 26, 28), bottom surface (24) and a number of receiving slots (26,28) corresponding to the number and position of the attachment means on the platform for entombing the attachment means within the base when the platform rest on top surface of the base. The attachment means is removeably attached to the bottom surface of the platform. The at least one attachment means has a first end and a second end. The first end of the at least one attachment means comprises opposite, opposing jaw members (42) biased towards one another. The second end of the at least one attachment means comprise legs (46 and near 46) that when forced together separate the opposite, opposing jaw members. The jaw members of the at least one attachment means is connected by a pivot pin (not numbered) and is biased towards one another. The jaw members contain penetrating or frictional means to prevent the platform from rotating about the generally horizontal projection. The penetrating means are teeth. The at least one attachment means is an alligator clip.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of U.S. Patent No. 5,761,843 to Lynch. Peterson teaches the limitations of the base claim, excluding the alligator clip comprising a torsional spring as its biasing means.

Lynch teaches an alligator clip or attachment means having a first end and a second end. The at least one attachment means has a first end (near 16, 18) and a second end (near 22 and 28). The first end of the at least one attachment means comprises opposite, opposing jaw members (16, 18) biased towards one another. The second end of the at least one attachment means comprise legs (22, 28) that when forced together separate the opposite, opposing jaw members. The jaw members of the at least one attachment means is connected by a pivot pin (20) and is biased towards one another by a torsional spring (26). The jaw members contain penetrating or frictional means to prevent the platform from rotating about the generally horizontal projection. The penetrating means are teeth. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the biasing means of the attachment means to have incorporated the torsional spring as taught by Lynch, by substituting functionally equivalent parts for readily biasing the clip for attachment and reattachment purposes.

Allowable Subject Matter

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the platform having an integral metal contact and the base having an integral magnet to secure the platform to the base, in combination with the other elements recited therein.

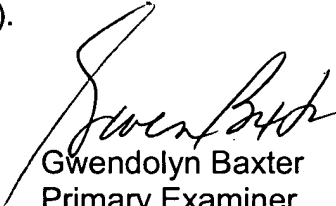
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Storaasli 2,036,655; Hanko 2,063,924; Haake 2,636,709; McFadden 6,073,896; and Simpson D477,790 teach an apparatus similar to that of applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gwendolyn Baxter
Primary Examiner
Art Unit 3632

December 8, 2005